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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

A global call for action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/181, in which the Assembly requested the Secretary-General to submit to it, at its seventy-second session, a report on the implementation of that resolution.

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I. Introduction

1. In its resolution 71/181, the General Assembly recognized that millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary manifestations, some of which take violent forms. It reiterated that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies. It further stressed that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races. The Assembly acknowledged the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of civil, cultural, economic, political and social rights, and requested the Secretary-General to submit to it, at its seventy-second session, a report on the implementation of resolution 71/181.

2. In the same resolution, the General Assembly welcomed the efforts made by civil society in support of the follow-up mechanisms for the implementation of the Durban Declaration and Programme of Action and underlined the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action.

3. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought information from Member States and other stakeholders, as requested in resolution 71/181. Submissions were received from 12 States: Argentina, Bosnia and Herzegovina, Colombia, Cyprus, Jordan, Kuwait, Portugal, Qatar, the Russian Federation, Serbia, Turkey and Turkmenistan. A contribution was also received from the Ombudsman of Azerbaijan. The contributions are posted on the website of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (www.ohchr.org/EN/Issues/Racism/IntergovWG/Pages/IWGIndex.aspx).

II. Legislative and administrative framework

4. In their submissions, some States highlighted the pre-eminence of international and regional human rights law over domestic law in their legal systems. For example, Bosnia and Herzegovina noted that the European Convention on Human Rights is directly applicable in the legal system of the country, as an integral part of its Constitution, and has supremacy over national legislation. The principle of non-discrimination is embedded in the Constitution of Bosnia and Herzegovina.

5. Portugal made a similar point, highlighting article 8 of its Constitution. It stressed that international human rights instruments, duly ratified by Portugal and in force in the national legal system, form an integral part of national legislation and can thus be invoked before the national courts.

6. States shared examples of the legal framework in place to counter discrimination. Bosnia and Herzegovina highlighted its law on the prohibition of discrimination, under which all public bodies and authorities have an obligation and duty to remove obstacles that may directly or indirectly result in discrimination. Bosnia and Herzegovina also stated that an amendment to the law was passed by the Parliamentary Assembly in 2016. The amendment brought the law into line with European Union and international human rights standards.

7. Colombia referred to its Act No. 734 of 2002, which provides, under article 35, that no public servant may apply any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that has the purpose of destroying or diminishing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in political, economic, social and cultural life, or in any other area of public life.

8. Turkey stated that several of its laws, including the labour law, the civil law and the laws on political parties, social services, national education, the establishment and broadcast of radio and television and trade unions and collective bargaining agreements, contain provisions on the prevention of all forms of discrimination. It further indicated that the law on the human rights and equality institution aims to protect and promote human rights based on human dignity, ensure the right to equal treatment and prevent discrimination in the enjoyment of legally recognized rights and freedoms. Within the scope of this law, discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability or age is prohibited. The law stipulates that in the case of violation of a prohibited ground of discrimination, the relevant public authorities and professional organizations with the status of public institutions shall be responsible for termination of the violation, elimination of the consequences, prevention of recurrence and taking the necessary measures for judicial and administrative follow-up.

9. Serbia shared several aspects of its legal and institutional framework for combating racism. For example, all forms of discrimination, direct or indirect, based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age or mental or physical disability is prohibited in the Constitution. The legal framework for exercising human rights and freedoms is defined in the Constitution. Also according to the Constitution, State bodies may introduce special measures for the improvement of rights and the elimination of discrimination when equality and the elimination of discrimination are difficult to achieve.

Scope of criminal law frameworks

10. Several States addressed the criminalization of discrimination offences and measures to combat incitement to hatred, hate speech and hate crimes. Argentina indicated that article 3 of Act 23.592, in which discrimination offences are criminalized, provides that anyone who participates in an organization or carries out propaganda based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, whose objective is to justify or to promote racial or religious discrimination in any form shall be sentenced to imprisonment for one to three years. Similarly, anyone who by any means encourages or initiates persecution or hatred of a person or group of persons because of their race, religion, nationality or political ideas will be equally punished.

11. Bosnia and Herzegovina reported that the propagation of ideas of racial discrimination or hatred constitutes a criminal offence of incitement to national or religious hatred.

12. Turkey noted that it had amended its criminal code, with a view to penalizing acts of discrimination. In the same vein, hate crime has been included in the criminal code and the penalty for the offence of discrimination and hatred has been increased.

13. Cyprus reported that its criminal code had been reviewed and come into force in April 2017. The new revised law allows the court to consider homophobic motivation, as well as racist or xenophobic motivation, as an aggravating

circumstance. Previously, racist or xenophobic motivation was included in the law on combating certain forms and expressions of racism and xenophobia by means of law No. 134(I)/2011. Cyprus stated that for better clarity of overall applicability, the provisions had been amended and were now inserted in the criminal code. Racist, xenophobic or homophobic motivation therefore applies to all offences and constitutes aggravating circumstances.

14. Portugal stated that racial discrimination is considered a crime under its criminal code. Article 240 of the code, in which racial, religious or sexual discrimination is criminalized, was amended by law No. 19/2013, establishing gender identity as a ground of discrimination covered by this criminal offence (as well as discrimination on the grounds of sex). Article 240 (1) states that whoever founds or sets up an organization, or develops activities of organized propaganda inciting or encouraging discrimination, hate or violence against a person or a group of persons on the grounds of their race, or takes part in such an organization or in its activities, or gives support thereto, shall be punished with imprisonment from one to eight years. According to paragraph 2 of the same article, any person who by any means provokes acts of violence against a person or group of persons on account of their race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, or who defames or injures a person or group of persons on the basis of race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, including denial of war crimes, or threatens a person or group of people because of their race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, will be punished with imprisonment from six months to five years.

15. Portugal also reported that, according to article 246 of the criminal code, any person convicted of the offences established in article 240 of the code may be temporarily deprived of his/her active and/or passive electoral capacity. In addition, in cases of homicide (article 132 (2f)) and offences to physical integrity (article 145), the fact that the crime was committed on the grounds of racial hatred (including ethnic or national origin) is considered an aggravating circumstance, implying more severe penalties.

16. The Russian Federation shared statistics on how law enforcement authorities pay close attention to cases of violation of human dignity and incitement of racial, ethnic or religious hatred or hostility. For example, in February and April 2016, in the Kirov region, criminal investigations were launched against four people for organizing and participating in skinhead groups. In March and April 2016, similar criminal investigations were launched into four people in the Orenburg region. In September and December 2016, criminal investigations were launched against eight founders of a neo-Nazi extremist group, Belaya Reka, for committing extremist crimes in the Republic of Bashkortostan. In 2016, law enforcement authorities detected 1,450 crimes of an extremist nature. During criminal proceedings, 934 people were convicted. In the first quarter of 2017, law enforcement authorities detected 421 crimes of an extremist nature, 211 people were convicted for such crimes and 267 criminal proceedings were launched in the courts. Actions to prevent extremist organizations from practising propaganda advocating racial hatred and neo-Nazi ideology continue. For example, in February 2015, the local court of Ordzhonikidze district in Magnitogorsk (Chelyabinsk region) passed sentence on two members of a neo-Nazi group, Piranya-74.

Available remedies

17. Some States addressed the issue of available remedies. For instance, Argentina referred to the significance of the fact that since 2007, it has recognized the competence of the Committee on the Elimination of Racial Discrimination to

receive and consider communications from individuals claiming that their rights have been violated by the State.

18. Turkey stated that recourse for victims is available, whereby victims of racism or discrimination can apply to the Office of the Prosecutor or law enforcement authorities for the investigation of their claims. Furthermore, if claims pertain to civil servants, applications can be made to the public institutions that employ the suspects, with a view to opening the necessary administrative investigations. Under certain circumstances, the Office of the Prosecutor or law enforcement authorities can launch investigations ex officio. Moreover, the relevant legislation enables victims of discrimination to claim pecuniary and non-pecuniary damages. Anyone who believes his or her constitutional rights have been violated owing to discrimination, including racial discrimination, has a right to an individual application to the Constitutional Court and to the European Court of Human Rights.

III. Role of national mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance

19. As provided for in paragraph 112 of the Durban Declaration and Programme of Action, States are encouraged, as appropriate, to establish independent national human rights institutions conforming to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and other relevant specialized institutions, including ombudsman institutions, created by law for the promotion and protection of human rights and the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law.

20. Such institutions have been established in several countries. For example, Argentina referred to a number of institutions it has created, such as the National Institute against Discrimination, Xenophobia and Racism, which is a decentralized entity under the jurisdiction of the national Ministry of Justice and Human Rights. The Institute was created to formulate national policies and practical measures for combating discrimination, xenophobia and racism. Other institutions set up by Argentina include the National Department for Pluralism and Intercultural Affairs of the Secretariat for Human Rights and Cultural Pluralism; the Public Defender of Audiovisual Communication Services, which receives queries, complaints and denunciations from users of radio, television and other media regulated by the Audiovisual Communication Services Act; and the National Ombudsman whose office monitors and evaluates the implementation of the Durban Declaration and Programme of Action.

21. Azerbaijan, Bosnia and Herzegovina and Turkmenistan reported that they had set up ombudsman offices. Azerbaijan recalled the independent character of its Ombudsman, in line with the Paris Principles. The Ombudsman of Azerbaijan is an independent institution, established by the constitutional law and has "A" status. The Ombudsman noted that the constitutional law empowers the Ombudsman to raise different human rights problems before the Government and put forward recommendations for their resolution. The Ombudsman also reported that it analyses the current national legislation and international treaties to which Azerbaijan is a party and submits motions to the parliament to make the necessary changes and amendments to the national legislation with regard to ensuring effective human rights protection, in order to bring the legislation into compliance with the relevant international legal documents.

22. Turkmenistan stated that on 23 November 2016, it had adopted a law on the ombudsman. The Ombudsman started to exercise his powers in March 2017. The

Observatory against Discrimination and Racism in Turkmenistan, which operates within the Ministry of the Interior, supports the community in cases of racial discrimination, advises in cases of infringement of rights and reports to the competent authorities. In those circumstances, awareness-raising campaigns on racial discrimination are carried out within public and private institutions in which such cases have been presented.

23. Serbia reported that it had established a committee for monitoring the recommendations of the United Nations human rights mechanisms, which aims to establish more efficient monitoring of such recommendations, but also to improve intersectoral cooperation regarding their implementation and improve cooperation with the mechanisms. In order to overcome the challenge related to systematic collection of the reporting data, in line with international conventions, the Office for Human and Minority Rights was the first to produce, for the purposes of the Human Rights Council, a plan on the fulfilment of all recommendations addressed to Serbia, stipulating the status, goals, terms and bodies responsible for the implementation of each individual recommendation. Serbia also highlighted the establishment of a committee for monitoring implementation of the action plan for the implementation of the strategy for prevention and protection against discrimination. Its task is to monitor progress in the execution of measures, implementation of activities and commitment to deadlines, and to duly report by 2018 on possible challenges in the execution of measures, as related to the implementation of the strategy and action plan.

24. In December 2016 and July 2017, OHCHR organized two regional workshops on the role of national human rights institutions in combating racism, racial discrimination, xenophobia and related intolerance, one in Rabat for national human rights institutions from the Middle East and North Africa region, and one in Addis Ababa for national human rights institutions from the Eastern and Southern Africa region. Participants in the workshops exchanged views on the subject and deliberated on strategies and tactics for enhanced collaboration between national human rights institutions and civil society on the issue of non-discrimination. They discussed the Durban Declaration and Programme of Action and its relevance in their respective regions. Other issues discussed at the workshops were the preventive role of national human rights institutions in combating discrimination on the grounds of ethnicity, tribe or religion and on other grounds, as well as interaction between national human rights institutions and the treaty bodies, in particular the Committee on the Elimination of Racial Discrimination.

IV. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance

25. As outlined in paragraph 58 of the Durban Declaration and Plan of Action, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, States are urged to adopt and implement, at both the national and international levels, effective measures and policies that encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance. In the Durban Declaration and Programme of Action, States are further urged to recognize, respect and maximize the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles, such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities and nations, in

particular through public information and education programmes to raise awareness and understanding of the benefits of cultural diversity.

26. In that regard, Argentina reported on its programme entitled "Educating on Interculturality", which started in 2017 and consists of a series of workshops for high school students, provincial or municipal public officials and security forces, with the objective of teaching those groups the importance of intercultural dialogue, harmony in diversity, promoting and protecting people's rights and combating all forms of discrimination, racism and xenophobia. Argentina further noted other activities it had undertaken which aimed to foster the visibility of Roma and indigenous peoples through raising awareness of their culture, history and customs.

27. Bosnia and Herzegovina reported that it had adopted an action plan on human rights training for journalists and media professionals (2016-2019), an action plan for human rights training for civil servants (2016-2019) and an action plan for human rights education under the competence of the Ministry of Justice (2015-2019).

28. Cyprus noted that the Ministry of Education and Culture had promoted various actions and activities aimed at combating racism and eliminating all forms of racial discrimination, xenophobia and related intolerance, through the adoption of a systematic, multidimensional approach. Through its three-year strategic plan for the period 2017-2019, the Ministry of Education and Culture aims to ensure the provision of learning opportunities to all through the implementation of an education policy that embodies the values of equality, inclusivity, creativity and innovation. For the school year 2015-2016, the Ministry of Education and Culture has set the goal of raising awareness of racism and intolerance and promoting equality and respect in the context of the hate speech campaign of the Council of Europe. During the current school year, 2016-2017, it has set a new goal on raising awareness of racism and intolerance and promoting equality and respect. The Departments of Education have encouraged all schools, in the context of the goals for both years, to implement, on a broader level, the code of conduct against racism and guide for managing and recording racist incidents developed and piloted in 2014-2015. As a result, 73 schools have developed and implemented various activities with pupils, teachers and parents during the school year 2015-2016. Furthermore, the Ministry of Education and Culture has recently designed and implemented an upgraded educational policy pertaining to multicultural education, aimed at the smooth integration of pupils from diverse ethnic backgrounds into the educational system of Cyprus.

29. Kuwait reported that awareness campaigns had been launched intensively and continuously to urge society to respect the human individual and his or her dignity, regardless of social, ethnic and religious differences, and to raise awareness of the legal and constitutional rights regarding manifestations of discrimination. One such campaign launched under the slogan, "Denial of Racism". In addition, Kuwait noted that community organizations, such as the Kuwait Society for Human Rights, have contributed to many activities that have had a positive impact on the promotion and protection of human rights. One of those activities was the launch of an interactive programme on the right to equality and non-discrimination. That is in addition to the launch of a project on tolerance, which is a not-for-profit programme directed towards young people that aims to develop a culture of human rights and to promote the concepts of tolerance, equality and peace.

30. The Russian Federation reported that special attention is paid to the prevention of racial discrimination among young people. Annual events that focus on breaking down inter-ethnic barriers and overcoming xenophobia are held in different regions

of Russia. A special place is given to international and interracial youth festivals and forums during those events.

31. Serbia reported on the activities it had organized to raise awareness of anti-discrimination issues. Numerous training sessions had been carried out for civil servants and employees of local government, with the aim of improving the efficiency of implementation of laws against discrimination. The Ministry of Education, Science and Technological Development is implementing programmes related to the fight against racism and discrimination intended for students, teachers, local communities, and/or other relevant ministries, in order to create a safer environment for all children and to make the majority of the population aware of the problems they face.

32. Turkmenistan reported that it organizes annual international festivals and conferences to promote the mutual enrichment of cultures and the exchange of experiences in the field of culture and art among countries, as well as introducing the rich cultural heritage of the Turkmen people to the world. It stated that various cultural events were implemented with international organizations and that the text of the Convention on the Elimination of All Forms of Racial Discrimination was widely circulated in Russian and English.

33. Azerbaijan reported that 2016 had been declared the Year of Multiculturalism, and 2017 the Year of Islamic Solidarity. Different events had been and are being held all over the country for the promotion of peace, tolerance, intercultural and interreligious dialogues within the framework of the action plans signed in this regard. A conference on the theme of "Multiculturalism and human rights: equality, cooperation and development" dedicated to the Year of Multiculturalism was held, together with the National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO). In addition, a series of events on multiculturalism and human rights were conducted in the capital, Baku, and in other parts of the country.

V. Awareness-raising and training for law enforcement officials and the judiciary

34. Cyprus reported on its awareness-raising efforts among police officers, aimed at effectively combating and eliminating all forms of discrimination or violations of human rights related to the performance of policing duties. In March 2017, the police signed a memorandum of cooperation for the protection and promotion of human rights with 12 non-governmental organizations aiming, inter alia, at training and sensitizing members of the police force and strengthening cooperation on issues relating to the protection of human rights.

35. Portugal specified that its magistrates receive training on human rights issues, in particular on racial discrimination, migration, gender equality issues and trafficking in human beings, as well as procedural guarantees in the context of their initial or in-service training. The training is provided by the Centre for Judicial Studies. Focusing on the continuous training programme for 2014-2015 and 2016-2017, training sessions for magistrates took place and more are scheduled for the coming months. Most of the training sessions are available for all legal practitioners. To prevent racist and discriminatory behaviour by law enforcement officers, Portugal reported that it had also been making considerable efforts in providing initial training sessions and advanced training activities for law enforcement personnel (criminal police and prison guards) on human rights issues and procedural guarantees.

36. Serbia reported that it has paid special attention to the training of police officers and to that end, a series of courses, seminars, workshops, round tables and conferences were organized in the field of modern policing standards and human rights, with a special emphasis on respect for diversity, community policing, strategic management, analysis and problem-oriented policing. This is aimed at raising the awareness of police officers of modern standards of policing and cooperation with all community stakeholders, with the aim of improving safety.

37. In June 2017, OHCHR launched a pilot project entitled "Better Ways", which will endeavour to identify and promote practical measures, enhancing evidence-based policing and reducing incidents of bias-based profiling. Within the framework of this project, a first expert meeting was held in Geneva on 14 and 15 June 2017. The meeting was attended by 20 experts from 16 countries. Participants, the majority of whom were police officers, including senior officials, discussed the following topics: (a) bias and stereotypes and their impact on law enforcement; (b) international human rights standards regarding bias-based policing; (c) good practices in addressing bias-based policing, including monitoring (data collection), internal policies and accountability; and (d) good practices in training law enforcement officials to counter bias-based policing. In follow-up to the meeting, OHCHR intends to start documenting good practices from police departments that enhance evidence-based policing and reduce incidents of bias-based profiling.

VI. Protection of victims of crime of a racist nature

38. Portugal reported that its law No. 130/2015 on the statute of the victim transposes European Union directive 2012/29/EU, on the minimum standards on the rights, support and protection of victims of crime into national law. Article 67-A of the criminal procedure code now defines a broader concept of the victim, which includes not only the person directly affected by a crime but also those around him or her who suffer consequences from it, including the victim's family. In addition, Portugal also noted that its law No. 104/2009 established the legal framework for State compensation of victims of crimes, including victims of violent crimes of a racist nature, and created the Commission for the Protection of Victims of Crimes. The duty to compensate falls to the offender but in some cases the State may advance this compensation when the victim is facing financial difficulties as a result of the crime and it is impossible to obtain compensation from the offender within a reasonable period. The Commission for the Protection of Victims of Crimes is the body in charge of deciding, according to legal criteria, whether applicants have the right to compensation as victims of violent crimes and the amount of compensation.

VII. Measures targeting political parties

39. During its tenth session, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action discussed the issue of the role of political parties in combating racism, racial discrimination, xenophobia and related intolerance, and adopted several conclusions and recommendations in that regard. It condemned, as incompatible with democracy and transparent and accountable governance, political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance. The Working Group reaffirmed that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations between peoples, cooperation between nations and international peace and security.

40. Turkmenistan reported that its law on political parties prohibits the creation and activities of political parties whose purpose is to violently change the constitutional order, allow violence in their activities, oppose the constitutional rights and freedoms of citizens, propagate war, racial, national or religious enmity, threatening the health and moral standards of the people, as well as political parties on national or religious grounds.

41. Portugal noted that the Constitution and the law on political parties (Law No. 2/2003 as amended by Law No. 2/2008) prohibit fascist or racist parties, since those ideologies are considered to threaten basic constitutional and democratic values.

VIII. Measures targeting the media

42. Portugal reported that the Ministry of Justice takes part in a subgroup, chaired by the European Union Agency for Fundamental Rights and dedicated to common methodologies for the collection and recording of hate crimes and incidents. The Ministry of Justice also participates in the subgroup on combating online hate speech, within which a code of conduct against hate speech and online terrorist propaganda was adopted in June 2016. Portugal noted that through this code of conduct, information technology companies, such as Facebook, Google, Twitter and Microsoft, take their share of the responsibility for combating the illegal spread of hate speech through computer platforms and commit themselves to putting into practice a set of 12 basic rules to achieve such a goal and block or remove illegal content at the request of the authorities in less than 24 hours. Portugal said it had designated a focal point within the national anti-terrorism unit of the Criminal Police (responsible for co-assisting the judicial authorities in preventing, detecting and investigating hate crimes) in order to exchange information between information technology companies and law enforcement authorities. Portugal has also recently assessed the internal implementation of the code of conduct, which was perceived as very positive, despite the fact that no judicial decision to block or delete online hate content has yet been issued.

43. The Russian Federation indicated that the Government sponsors digital and print media companies in projects focusing on the harmonization of international relations, the development of inter-ethnic understanding, promoting ideas of international tolerance and combating religious and nationalist extremism. Between January 2012 and June 2015, 69 such projects were carried out on digital media.

44. Argentina reported that the Directorate for anti-discrimination policy of the National Institute against Discrimination, Xenophobia and Racism has set up the Observatory on Discrimination in Radio and Television, which produces reports and monitors discrimination on radio and television; the Observatory on Discrimination in Sport, which works on the prevention of discrimination through monitoring and analysis of behaviour, content and comments in the field of sport that include any type of discrimination, prejudice or aggression against different groups or sections of the population, or mockery or stigmatization thereof, with a view to developing public policies aimed at combating such discrimination; and the Observatory on Internet Discrimination, whose main objective is to preserve the Internet environment from any type of discriminatory violence that affects the rights of groups, communities or individuals.

45. Bosnia and Herzegovina reported on the steps it had taken, in coordination with its Communications Regulatory Agency, to fight incitement to violence motivated by hate-mongering through abuse of the press, audiovisual and electronic media and new communications technologies, with the aim of legally sanctioning

any act of incitement to violence or hatred, while ensuring freedom of the press, speech and expression.

IX. Measures targeting discrimination through sports

46. As provided in paragraph 218 of the Durban Declaration and Programme of Action, States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations are urged to intensify the fight against racism in sport, inter alia, by educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity. In paragraph 128 of the outcome document of the Durban Review Conference, international sporting bodies are urged to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance. Argentina reported that it had adopted a national plan for the eradication of discrimination, xenophobia and racism in football.

47. Over the past two years, OHCHR has held workshops and consultations for officials, fans, human rights commissioners and other stakeholders in the Russian Federation and continues to cooperate with the Russian authorities to integrate non-discrimination policies into the preparations for the FIFA World Cup in 2018. A forthcoming event in Moscow aims to involve the host cities of the World Cup. The event will be a step towards the elaboration of a legacy of the World Cup on countering discrimination.

X. The new international migration management framework

48. In their contributions to the present report, a number of States raised the issue of the human rights of migrants. Argentina, for instance, reported that it had organized a round-table discussion on migrant-related issues, the aim of which was to work on inclusion policies, promoting rights and fighting against any type of discrimination against the migrant population, together with civil society organizations that defend the rights of migrants and work towards their inclusion in society.

49. Turkey reported on its strategic and institutional framework in compliance with its political, socioeconomic and historical migration approaches, and the new international migration management framework. It stated that its law No. 6458 on foreigners and international protection has been translated into 10 languages in order to enable foreigners to have access to proper information. The translations of the law have been published in hard copy and made available on the official web page of the Directorate General of Migration Management in the Ministry of Interior. The official institutional website is available in four different languages and the necessary steps have been taken to allow foreigners to have access to relevant information. Turkey reported that foreigners in the country have opportunities to attend language, hobby and vocational training courses in public education centres free of charge. Applicants or beneficiaries of international protection and their family members have access to primary and secondary education. Additionally, applicants or beneficiaries of international protection, who are not covered by any medical insurance and do not have the financial means to pay for medical services, benefit from the universal medical insurance. Beneficiaries of international protection can also apply to the Ministry of Labour and Social Security for a work permit six months after the date that they lodged a

claim for international protection. Once they have been granted such a permit, they may work independently or be employed.

50. Serbia referred to the work of the Ministry of Labour, Employment, Veteran and Social Affairs. It has prepared an instruction on procedures for social welfare centres and social welfare institutions that provide emergency shelter and custodial protection to unaccompanied juvenile refugees and migrants, including adequate health care and psychosocial support. Significant funds are allocated from the national budget to local governments for asylum seekers in Serbia. In addition, Serbia noted that its law on asylum stipulates that an alien who is on its territory has the right to file an application for asylum in Serbia. The law contains provisions which prohibit discrimination on any grounds, particularly based on race, colour, gender, nationality, social background, birth, religion, political and other views, property, culture, language, age or intellectual, sensory or physical disability. During the process, the specific situations of vulnerable groups of asylum seekers, such as minors, persons fully or partially deprived of legal capacity, children separated from their parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, are carefully considered. A new draft law on asylum and temporary protection prohibits discrimination on any grounds and prescribes that, in the course of proceedings, particular attention must be paid to the specific situation of persons in need of special procedural guarantees, whereby appropriate assistance is provided to applicants who, owing to their personal circumstances, are unable to exercise their rights and obligations under the law without assistance.

51. Jordan stated that there is no differentiation in its labour law between male and female workers or between foreign and Jordanian workers. All workers are equal before the law, in all rights and duties, as the labour law in all its provisions applies to workers without discrimination. The regulatory legislation also requires employers to take the necessary precautions and measures to protect workers, regardless of their nationality, from the hazards and diseases that may result from their work, by providing them with a secure, clean, safe, risk-free environment. It also obliges employers to comply with occupational health and safety conditions under the labour law. The Inspection Directorate has carried out many intensive and daily inspection campaigns in all governorates and all sectors in Jordan. Prompt and strict legal action has been taken against all institutions that have been found to be using foreign workers in a manner violating their rights, in addition to confirming how committed they were to the provisions of the labour law, including through providing a decent work environment in terms of working hours and overtime.

52. Qatar reported that it is currently strengthening its national legal framework to promote the human rights and legal protection of expatriates, with a view to providing them with effective remedies in line with international standards. To implement the recommendations of the Committee on the Elimination of Racial Discrimination, Qatar has undertaken legislative reforms, which ensure that expatriates, including house workers, enjoy their civil, economic, social and cultural rights without any discrimination.

XI. Conclusions and recommendations

53. **Despite some progress in combating racism, racial discrimination, xenophobia and related intolerance, there is a long way to go to eradicate these ills. Stronger political will and urgent measures are needed to reverse the worrying trends that have developed over the past few years of increasingly**

hostile racist and xenophobic attitudes and violence. Interculturality, dialogue, tolerance and respect for diversity are essential for combating racism, racial discrimination, xenophobia and related intolerance. The diverse measures adopted by Member States and other stakeholders, as outlined in the present report, are encouraging in that regard.

54. Ultimately, the world will only see progress in the global fight against racism, racial discrimination, xenophobia and related intolerance if all relevant stakeholders deepen their efforts and take relevant measures in this regard. Examples of such measures include the adoption of a strong legal framework in conformity with international standards; the creation or strengthening, as appropriate, of national mechanisms in line with the Paris Principles, which play a protection, promotion and monitoring role; combating impunity for racist acts, including in the media and in sport; fostering the role of actors, such as political parties, civil society actors and the private sector, in combating racism, racial discrimination, xenophobia and related intolerance; and, in the case of migrants and refugees, granting them protection according to international law, including international refugee law and international human rights law, in particular from all forms of discrimination.

55. In that connection, Member States are reminded of the validity of the political declaration adopted by consensus during the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, held on 22 September 2011, which, together with the outcome document of the Durban Review Conference, forms a solid basis for action to pursue the total elimination of racism, racial discrimination, xenophobia and related intolerance. Member States, regional organizations, civil society and other stakeholders are encouraged to fully and effectively implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.

56. Further, Member States are encouraged to fully and effectively implement the obligations arising under international law, particularly the non-discrimination clauses in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Those States that have not yet done so are urged to ratify or accede to the two Covenants and the Convention on the Elimination of All Forms of Racial Discrimination.

57. To enhance access to justice and remedies, Member States that have not yet done so are encouraged to make a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation.

58. Member States are encouraged to invite the relevant human rights mechanisms, in particular the Working Group of Experts on People of African Descent and the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to carry out country visits.

59. Member States and other stakeholders are invited to participate actively in deliberations on the mechanisms established to follow up the Durban

Declaration and Programme of Action and implement the recommendations emanating therefrom.

60. **Member States that have not yet done so are encouraged to develop and implement national action plans to combat racism, racial discrimination, xenophobia and related intolerance.**

61. **International and regional organizations are encouraged to intensify collaboration in fighting racism, racial discrimination, xenophobia and related intolerance.**

62. **In line with the Durban Declaration and Programme of Action, and the outcome document of the Durban Review Conference, Member States are encouraged to establish or strengthen, as appropriate, and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and promote racial equality, with suitable financial resources, capabilities and capacities to survey, investigate, educate and undertake public awareness-raising activities.**

63. **Member States are encouraged to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially motivated acts are properly addressed.**

64. **Host countries of major sporting events are encouraged to seize the opportunity and to develop awareness-raising and education campaigns aimed at sensitizing the wider public on the eradication of racism, racial discrimination, xenophobia and related intolerance.**

65. **The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action is encouraged to analyse in one of its future sessions the role of the media in combating racism, racial discrimination, xenophobia and related intolerance, with a view in particular to exploring adequate responses to racist and hate speech by the media.**

66. **States receiving migrants and refugees should grant them protection according to international law, including international refugee law and international human rights law. States should protect migrants and refugees from all forms of discrimination.**

67. **States should repeal or amend all laws or measures that may give rise to discrimination against migrants, including direct and indirect discrimination based on multiple grounds, and condemn and take effective measures against all acts and expressions of racism, racial discrimination, xenophobia and related intolerance and against stereotyping of migrants.**

68. **Finally, in order to review progress with regard to the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, all stakeholders are invited to regularly submit updated inputs, in accordance with requests for information from the Office of the United Nations High Commissioner for Human Rights.**